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DATE: December 24, 2008

PTO IDENTIFIER: Application Number 10/630,555-Conf. #7477  
Patent Number

Inventor: Kohei Miyazono et al.

MESSAGE TO: US Patent and Trademark Office and Kery Fries

FAX NUMBER: (571) 273-8300 and (571) 273-3219

FROM: FULBRIGHT &amp; JAWORSKI L.L.P.

Norman D. Hanison

PHONE: (212) 318-3168

Attorney Dkt. #: NY-LUD 5298-US5-DIV (10309270)

PAGES (Including Cover Sheet): 6CONTENTS: Renewed Application For Patent Term Extension  
Letter Regarding Patent Term Adjustment dated December 19, 2008

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Docket No.: NY-LUD 5298-US5-DIV  
(PATENT)

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted by facsimile to the Patent and Trademark Office, facsimile no. (571) 273-8300 and Kery FRIES, Senior Legal Advisor, facsimile no. (571) 273-3219, on the date shown below.

Dated: December 24, 2008 Signature: Fani Malikouzakis  
(Fani Malikouzakis)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of  
Kohei Miyazono et al.

Application No.: 10/630,555.

Filed: October 31, 2007.

For: ANTIBODIES WHICH BIND  
SPECIFICALLY TO ACTIVIN  
RECEPTOR LIKE KINASES

Allowed: January 8, 2008

Confirmation No.: 7477

Art Unit: 1646

Examiner: B. D. Hissong

**RENEWED APPLICATION FOR PATENT TERM EXTENSION**

Attn.: Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner for Patent Examination Policy  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is submitted responsive to the Letter Regarding Patent Term Adjustment of December 19, 2008, a copy of which is attached).

In the "Determination of Patent Term Adjustment Under 35 U.S.C. § 154(b)," dated January 8, 2008, the USPTO indicates that the patent term of this application will be adjusted by 597 days.

Application No.: 10/630,555

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It is believed that this is incorrect, however. Previously, it was argued that the term should be extended by 668 days; however, applicants now request an extension of 1014 days. The reasons for this contention are as follows.

On April 28, 2006, the USPTO issued a Restriction Requirement, 575 days later than a first action should have issued.

That action, however, was not a valid one, as the Examiner considered claims which had already been canceled, and did NOT consider the actual pending claims. Please note that on July 10, 2006, the USPTO VACATED the April 28, 2006 action, and issued a new one, on July 12, 2006.

First it is believed that this additional 71 days should be added to the Patent Term because of this.

On January 8, 2008, a Notice of Allowance issued in this case, and the issue fee was paid on March 3, 2008. The USPTO then withdrew the Notice of Allowance, on July 31, 2008, without substantive explanation. No follow-up action ever issued, and applicants submitted new sequences, on August 8, 2008, after a discussion with SPE Nichol.

The patent which will issue here from is not subject to a Terminal Disclaimer. Please see the Decision dated December 31, 2007, a copy of which was submitted previously.

Pursuant to 37 C.F.R. § 1.705(iv)(A) and (B), it is believed that the remaining calculations carried out by the USPTO are correct.

The issue fee ostensibly due on March 19, 2009, has not yet been paid.

Pursuant to 37 C.F.R. § 1.18(e), a fee of \$200.00 was paid previously. Please apply these fees, paid on February 29, 2008 to this Renewed Petition.

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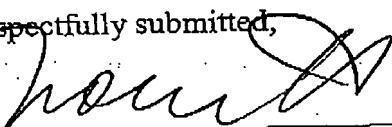
Favorable action on this Application is requested.

The Commissioner is hereby authorized to charge any additional fee or credit any overpayment to our Deposit Account No. 50-0624, under Order No. NY-LUD 5298-US5-DIV (10309270) from which the undersigned is authorized to draw.

Dated: December 24, 2008

(212) 318-3000  
(212) 318-3400 (Fax)

Respectfully submitted,

By   
Norman D. Hanson  
Registration No. 30,946  
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New York, New York 10103  
Attorney for Applicant



UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 19 2008

**OFFICE OF PETITIONS**

In re Application of :  
Miyazono, et al. : LETTER REGARDING  
Application No. 10/630,555 : PATENT TERM ADJUSTMENT  
Filed: July 30, 2003 :  
Atty. Dkt. No.: NY-LUD 5298.5- :  
DIV-US :  
DIV-US

This is a decision on the "APPLICATION FOR PATENT TERM EXTENSION," filed February 29, 2008. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(b). Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 597 days to 668 days.

The Determination of Patent Term Adjustment under 35 U.S.C. 154(b), mailed January 8, 2008, stated that the patent term adjustment (PTA) to date is 597 days. The instant application for patent term adjustment and issue fee payment were timely filed March 3, 2008.

However, prior to a decision on the application for patent term adjustment being rendered, on July 31, 2008, the application was withdrawn from issue.

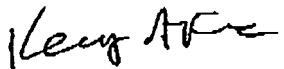
In view thereof, a decision is being held in abeyance until after the mailing of any new Notice of Allowance and the filing (or resubmission) of any application for patent term adjustment under 37 CFR 1.705(b). A new determination of patent term adjustment will accompany any new Notice of Allowance and will include any further adjustments or reductions accrued to date. Applicant must submit a timely application for patent term adjustment in response to any new Notice of Allowance. An application for patent term adjustment under 37 CFR 1.705(b) is properly filed after the mailing of the Notice of Allowance on which the application issues and prior to payment of the issue fee (or a request for reapplication of the issue fee) in response to that Notice. A copy of this decision should accompany the application for patent term adjustment, along with a request to apply the fee set forth in 37 CFR 1.18(e) paid on February 29, 2008.

Application No. 10/630,355

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Technology Center AU 1646 has been advised of this decision.  
The application is, thereby, forwarded to the Technology Center  
for further processing.

Telephone inquiries specific to this decision should be directed  
to the undersigned at (571) 272-3219.



Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
for Patent Examination Policy